

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1808A, an amendment to the FALLBROOK COMMUNITY UNIT PLAN, requested by Olsson Associates for NEBCO, Inc., to increase the lot size and change two single family lots into two single family attached lots, which creates two additional dwelling units, including a request to waive the front, side and rear yard setbacks for main and accessory buildings in the R-3 District, on property generally located north of Highway 34, south of Alvo Road and west of North 1st Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/02/01
Administrative Action: 05/02/01

RECOMMENDATION: Conditional approval (9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes').

STAFF RECOMMENDATION: Conditional approval.

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval, however, denying the request to waive sidewalks on one side of the street on Saltgrass Road, Bushclover Road, Snowberry Road, Windflower Road and Windflower Court, is based upon the "Analysis" as set forth on p.4, concluding that Fallbrook was approved with significant pedestrian orientation. The proposed plan promotes the development of a more complete neighborhood with stores, offices, open space and schools all within walking distance. The approved plans provide an excellent street and pedestrian network that allows for better access and encourages walking throughout the area. Unfortunately, the request to waive the requirement that sidewalks be provided on both sides of the streets will hinder the design goals of the approved development. Adding two dwelling units is allowable based on previously calculated densities. The addition of these units does not substantially impact the project.
2. The applicant's testimony is found on p.8. At the public hearing, the applicant withdrew the request to waive sidewalks on one side of the street. Therefore, that waiver request is not before the Council.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 11, 2001

REVIEWED BY: _____

DATE: June 11, 2001

REFERENCE NUMBER: FS\CC\FSSP1808A

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Fallbrook - Special Permit #1808A

DATE: June 12, 2001

PROPOSAL: Olsson Associates for NEBCO Inc. has applied to amend Special Permit #1808 Fallbrook Community Unit Plan as follows for the area generally north of Highway 34, south of Alvo Road and west of North 1st Street:

1. To increase lot size and change two single family lots into two single family attached lots, which creates two additional dwelling units.
2. ~~To waive the requirement of the Design Standards for sidewalks to allow for sidewalks on only one side of the street on Saltgrass Road, Bushclover Road, Snowberry Road, Windflower Road and Windflower Court.~~ **(**Waiver request withdrawn by the applicant at public hearing before Planning Commission on 5/02/01**)**
3. ~~To waive Section 26.23.095 that states that sidewalks shall be provided on both sides of streets. Section 26.27.020 states that as part of the minimum required improvements sidewalks shall be constructed on both sides of the streets within a subdivision.~~ **(**Waiver request withdrawn by the applicant at public hearing before Planning Commission on 5/02/01**)**
4. To waive Section 27.15.080 for front, side and rear yard setbacks for main and accessory buildings in the R-3 district.

GENERAL INFORMATION:

APPLICANT: NEBCO Inc.
(Contact Russ McGowan)
1815 Y Street
Lincoln, NE 68508
(402) 434-1212

CONTACT: Gary Bredehoft, Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

LOCATION: North of Highway 34, south of Alvo Road and west of North 1st Street

LEGAL DESCRIPTION: General: Outlots A, B, G, H, I, J, M, O, Q, R, T and V; Lots 1-13, Block 10; Lots 1-9 Block 12; Lots 1 and 2, Block 13; Lots 1-8 and Lots 10-15, Block 11; all of Fallbrook Addition,

and a portion of Lot 8 I.T., all located in the South ½ of Section 34, T11N, R6E, Lancaster County, Nebraska, generally located at N. 1st Street and Fallbrook Boulevard.

SIZE: 54.44 Acres, more or less.

EXISTING ZONING: R-3

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE AND ZONING: AG Agricultural zoning and agricultural land uses to the north and west; AG zoning and large lot residential uses to the east across North 1st Street; to the south across U.S. Highway #34 is the Highlands subdivision with a mix of apartments, single family and commercial uses in R-3, R-5, B-2 and O-2 zoning.

COMPREHENSIVE PLAN SPECIFICATIONS: In general conformance. Designated as urban residential, urban village and commercial in the Land Use Plan

HISTORY:

Zoned A-A Rural and Public Use District until it was changed during the 1979 update. In 1979 the area was zoned AG Agriculture as part of the 1979 update.

In 1999 an application was made to annex the area legally described above to create a New Urbanist community through a Change of Zone and Special Permit for Community Unit Plan process. A Use Permit was also required.

On **December 1, 1999**, Planning Commission recommended conditional approval for Fallbrook Special Permit #1808.

On **January 24, 2000**, City Council adopted the Fallbrook Special Permit #1808, Use Permit #124 and Preliminary Plat #99023 to allow 314 dwelling units on the property legally described as the above. Front, side and rear yard setbacks were waived by City Council.

On **January 24, 2000**, City Council adopted Change of Zone #3202 to change the zone from AG to R-3, O-3 and B-2.

On **June 5, 2000**, City Council amended Change of Zone #3202 to correct the legal description in the R-3 district.

On **November 29, 2000**, the Planning Director approved Administrative Amendment #00069 to the Special Permit #1808. The amendment relocated Outlot "D" from Block 17 to Block 16. One lot was removed from Block 17.

Administrative Amendment #01005 to the Special Permit for the Landscape Plan is currently under review. This application amends landscaping material-type only, not the placement or number of materials.

SPECIFIC INFORMATION:

UTILITIES: Available.

TOPOGRAPHY: There are no new topography issues with this application.

TRAFFIC ANALYSIS: Sidewalks on only one side of the streets and private roadways will inhibit free-flowing pedestrian movement from the north. Due to the location of Block 1 relative to the commercial and office areas of the town center, a higher volume of pedestrian traffic is expected. Reducing the number of sidewalks discourages pedestrian access to the commercial areas.

There are no new vehicular traffic issues with this proposed amendment. Public streets and private roadways are unchanged with this amendment.

PUBLIC SERVICE: The nearest Fire Department is located in the Highlands on N.W. 1st Street.

ENVIRONMENTAL CONCERNS: There are no new environmental concerns with this amendment.

ALTERNATIVE USES: To develop the plan with sidewalks on both sides of the streets.

ANALYSIS:

Fallbrook is intended to be a mixed-used “new urbanist” type community. A fundamental premise of this type of community is extensive pedestrian orientation. The relationship between the mixed uses in combination with trails encourages pedestrian movement. To approve a waiver of sidewalks on one side of the streets would be contrary to the fundamental premise of the proposed development and, to some extent, discourage pedestrian movement. The site plan should provide for the space needed for sidewalks on both sides of the streets. Every person who lives in and moves through this development should have full opportunity to use sidewalks for pedestrian movement, and in order to fully achieve this goal sidewalks on both sides of the streets are necessary.

An increase in the size of some of the lots in Block 1 does not substantially affect the overall design goals of the proposed development. Converting two single family lots to duplex dots in Block 1 does not substantially affect the proposed development.

The requested waivers to front, side and rear yard setbacks helps to achieve some of the new urbanist goals, such as bringing the buildings closer to the street.

STAFF CONCLUSION:

Fallbrook was approved with significant pedestrian orientation. The proposed plan promotes the development of a more complete neighborhood with stores offices, open space and schools all within walking distance. The approved plans provide an excellent street and pedestrian network that allows

for better access and encourages walking throughout the area. Unfortunately the request to waive the requirement that sidewalks be provided on both sides of the streets will hinder the design goals of the approved development.

Adding two dwelling units is allowable based on previously calculated densities. The addition of these units does not substantially impact the project.

STAFF RECOMMENDATION: Waive setbacks and Change lots: Conditional approval
~~Waive Sidewalks on one side of the streets:~~ Denial
(Waiver request withdrawn by the applicant at public hearing
before Planning Commission on 5/02/01**)**

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 All references to the Use Permit and Preliminary Plat from the Note Plan (Sheet 2 of 18) are removed.
 - 1.1.2 Waivers listed as a separate title block on the Note Plan (Sheet 2 of 18).
 - 1.1.3 Note #3 B of the General Notes to the Special Permit on the Note Plan (Sheet 2 of 18) indicates a minimum distance between the lots and the public R.O.W. of 13'.
 - 1.1.4 All changes clearly indicated.
 - 1.1.5 The total # of units indicated in the Community Unit Plan.
 - 1.1.6 Legal Description corrected to show Humphrey Avenue, include Outlots G and I, spelling error corrected from "o9f" to "of", Chord Bearing for "S" shown in text and Chord Length of "X" corrected in "Boundary Curve Data" to show correct Chord Length.
 - 1.1.7 All dimensions indicated on the Site Plan. Three south dimensions of the Community Unit Plan boundary are missing.
 - 1.1.8 The boundary of the Community Unit Plan clearly indicated.
 - 1.1.9 Sidewalks shown on both sides of all public streets and private roadways.

1.1.10 All landscaping materials shown on the Landscape Plan which are within the boundaries of the Community Unit Plan.

1.1.11 Planning Commission "Approval" certificate removed from the Cover Sheet.

1.1.12 City Council approval changed to indicate "Community Unit Plan" rather than "Preliminary Plat" on the Cover Sheet.

1.1.13 The blocks and lots renumbered in "Block 1".

1.1.14 Setbacks corrected on the "Single Family Attached" detail and in the text of the Notes.

1.2 Revise the Landscape Plan to show:

1.2.1 Scotch and Ponderosa Pine replaced with Black Hills Spruce, Norway Spruce, Colorado Spruce and Serbian Spruce.

1.2.2 No more than 10% of any one specie of evergreen.

1.2.3 Snowdrift Crab replaced with either "Donald Wyman" or "Professor Sprenger" Crab.

1.2.4 Street trees on private streets located no closer than 5 feet from back of curb or 5 feet from edge of sidewalk.

1.2.5 Minimum distance between street trees and the foundation of townhouses is 20 feet.

2. This approval permits 316 dwelling units and variances to front and side yard setbacks as indicated by building envelopes.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised final plan including 5 copies to the Planning Department.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

SPECIAL PERMIT NO. 1808A

AMENDMENT TO THE FALLBROOK COMMUNITY UNIT PLAN,

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval, but denial of the waiver of sidewalks on one side of the street.

Proponents

1. **Kent Seacrest** appeared on behalf of **Nebco, Inc.**, the property owner for the Fallbrook development. This project was brought forward on a big scale and this is refinement of some parts, including the single family “new urbanism” area, modifying some setbacks, as well as the townhome area. The applicant had originally requested waivers of one of the two sidewalks required in the townhome area—the thought was that it would be prudent and reasonable because of low traffic, but after staff raised concerns from the standpoint of public health and safety, this applicant withdraws the request to waive the sidewalks on one side of the street in the townhome area because the developer would not want to be accused of putting anyone in danger.

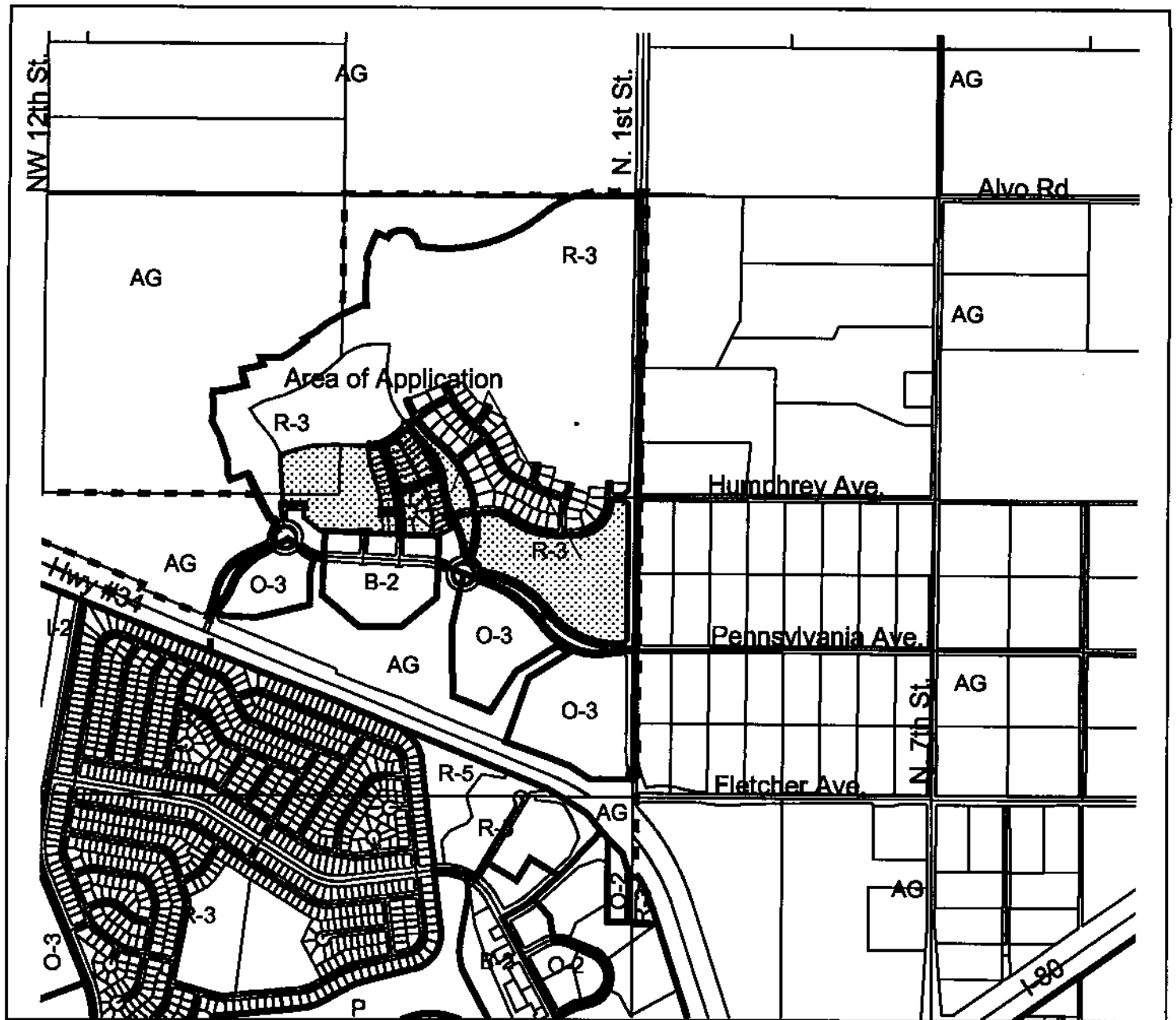
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Carlson moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting ‘yes’.

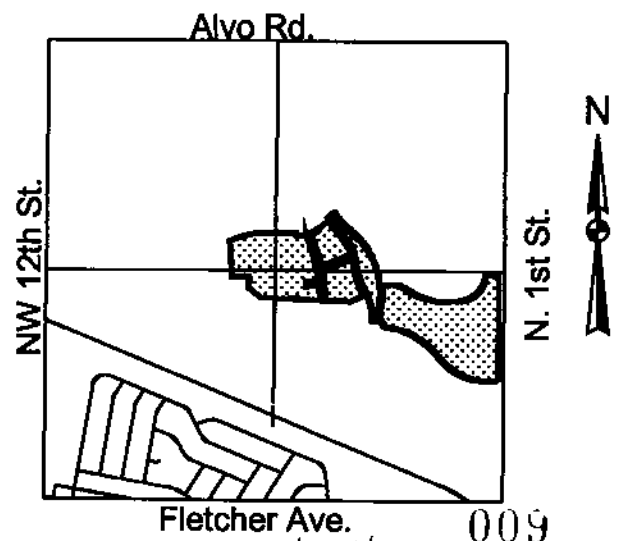
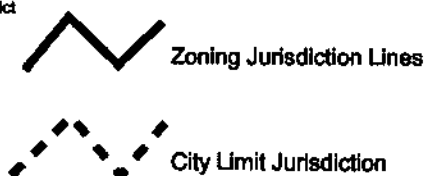


Special Permit #1808A **Fallbrook Community Unit Plan** **Hwy 34 & N. 1st**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 34 T11N R6E



Sheet 1 of 4
 Date: 4-20-01

Lincoln City - Lancaster County Planning Dept.



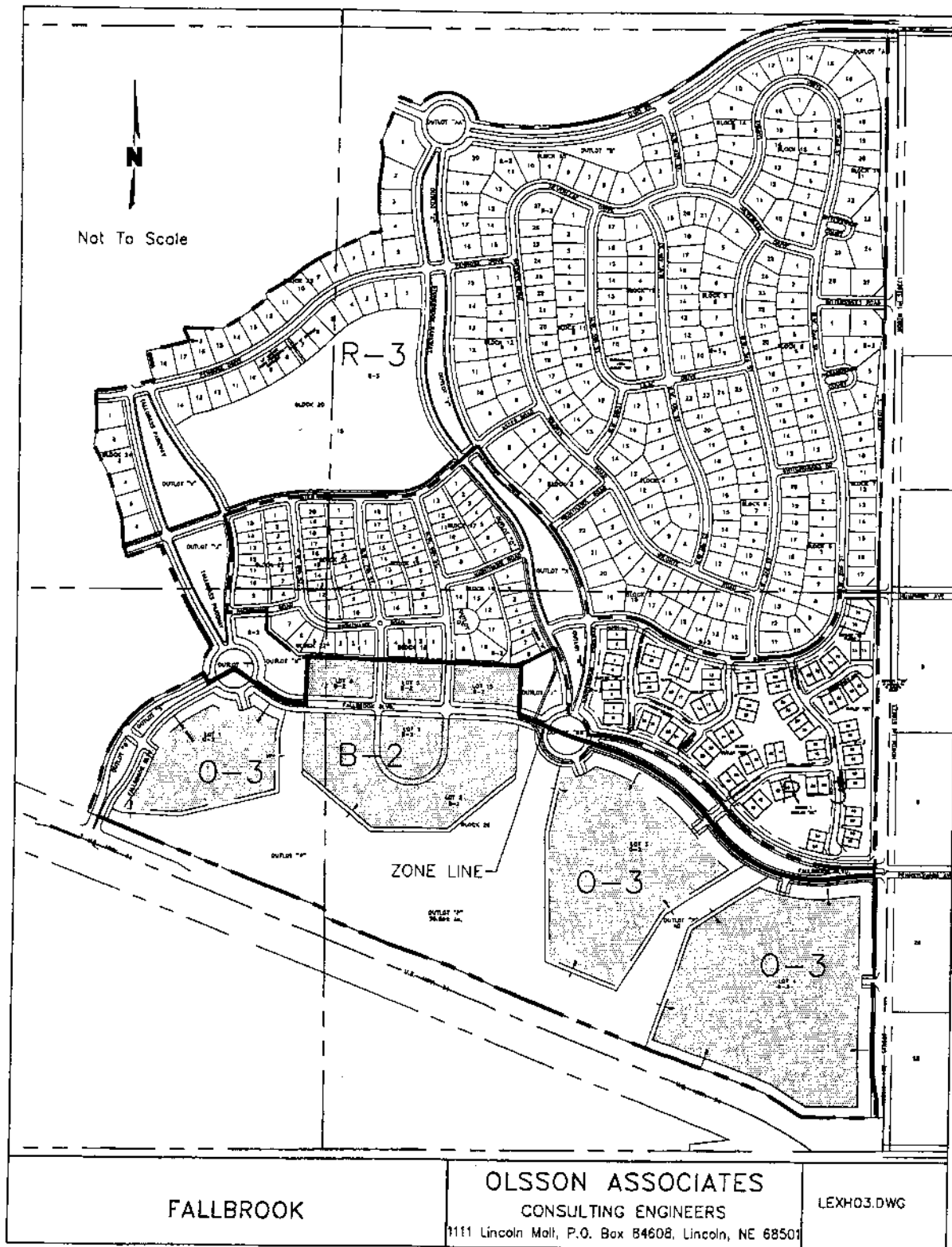
Special Permit #1808A
Fallbrook
Nwy 34 & N. 1st



Sheet 2 of 4

Date: 4.20.01

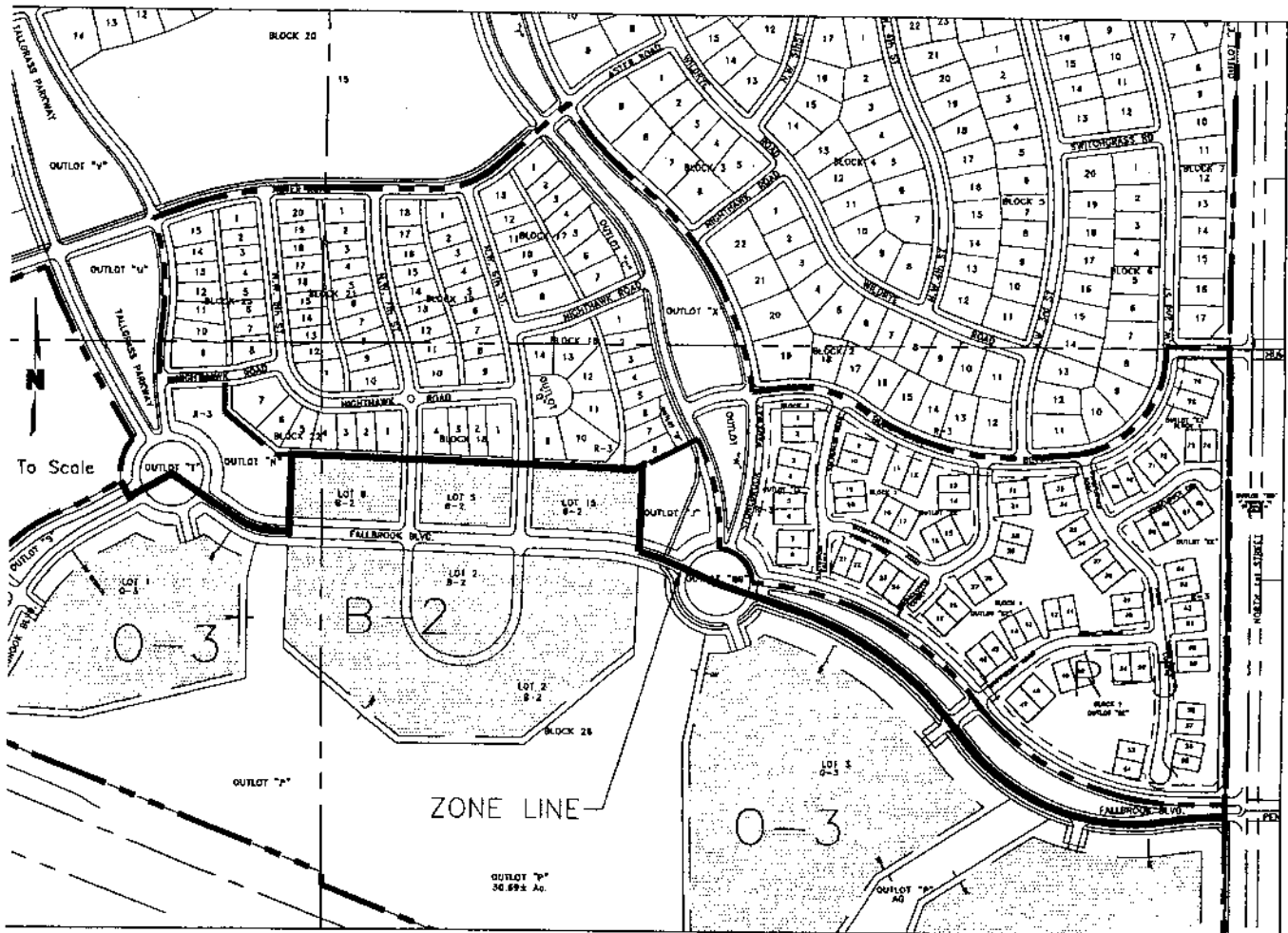
Photograph Date: 1997 & 1999 **010**



Fallbrook Special Permit #1808A
Proposed Plan - Entire Site

Sheet: 3 of 4
Date: 4-20-01 North

011



FALLBROOK C.U.P.

OLSSON ASSOCIATES
CONSULTING ENGINEERS

1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501

LEXH03.DWG

Fallbrook Special Permit #1808A
Proposed Plan - Amendment Area

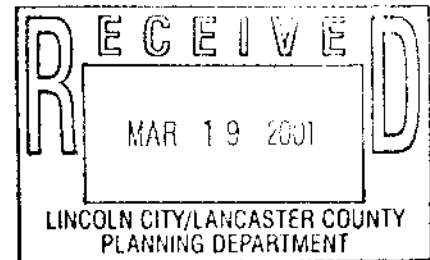
Sheet: 4 of 4
Date: 4.20.01 North



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

19 March 2001

Mr. Stephen Henrichsen
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508



Re: Fallbrook - Amendment to the CUP
OA Project No. 2000-0109.17

Dear Steve:

Enclosed please find the following documents for the above-mentioned project:

1. 21 copies of the Site Plan.
2. 6 copies of the Landscape Plan.
3. 21 copies of the Cover Sheet.
4. 21 copies of the Note Plan.
5. 1 copy of the Special Permit Application.
6. \$235 Submittal Fee.

On behalf of the Owner/Developer, NEBCO, Inc., 1815 Y Street, Lincoln NE 68508, Phone (402) 434-1212, we are requesting an amendment to the existing Community Unit Plan. The following modifications and revisions have been made and are being requested:

1. Within the town home area we have removed two single family lots (1 & 2, Block 1), and added four duplex units (Lots 73-76, Block 1).
2. Increased the lot size of a majority of the town home lots within Block 1, by 5' or 10'.
3. We are requesting a waiver to the design standards which require us to build sidewalks along both sides of the private roadways within the town home area. We are requesting sidewalks be built along one side of Saltgrass Road, Bushclover Road, Snowberry Road, and Windflower Road and Court.
4. Adjusted the boundaries of the CUP along Stonebrook Parkway and Tallgrass Parkway.
5. Requested waivers to front yard setbacks.
6. General Notes: #2 on the Site Plan and #3 on the Note Plan changed the minimum distance between lots and roadways, and #1 on the Note Plan omitted the text: "alleys shall be flared to 16' at streets."

Mr. Stephen Henrichsen
Page Two
19 March 2001

An ownership certificate has been completed and has been forwarded to you by the title company.

If you have any questions or require further information, please call.

Sincerely,

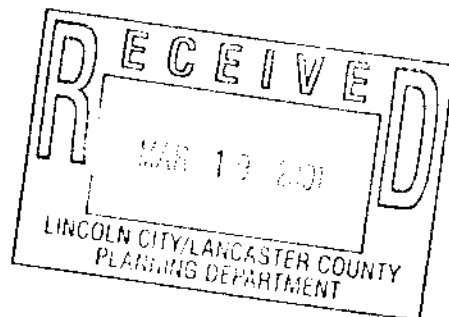


Gary L. Bredehoft

Enclosures

cc: Ross McCown
Dan Muhleisen
Kent Seacrest

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Memorandum

To: Becky Horner, Planning Department

From: Charles W. Baker, Public Works and Utilities *BWB*

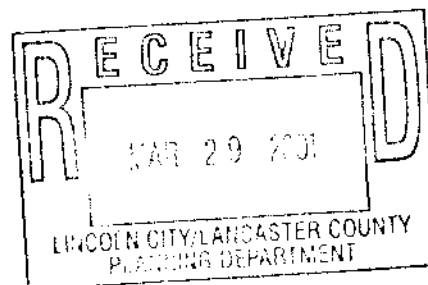
Subject: Sidewalk Waiver, Special Permit # 1808A, Fallbrook Amendment to the CUP

Date: March 29, 2001

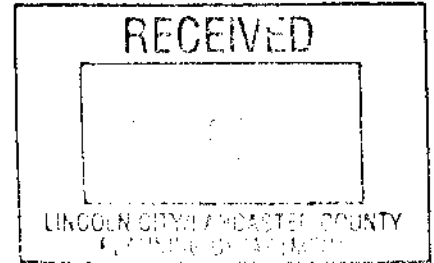
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities rescinds the previous memos regarding the support of the waivers for sidewalks along both sides of the private roadways Saltgrass Road, Bushclover Road, Snowberry Road, and Windflower Road and Court.

This subdivision is supporting the concept of the "walking community" with New Urbanism. Therefore, Public Works recommends that waivers to eliminate required sidewalks not be approved.



Memorandum



To: Becky Horner, Planning Department
From: Charles W. Baker, Public Works and Utilities *BWB*
Subject: Special Permit # 1808A, Fallbrook Amendment to the C.U.P.
Date: March 20, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed Mr. Bredehoft's letter to Steve Henrichsen dated 19 March 2001. Public Works has the following comments:

Items 1 and 2 - Public Works has no comments regarding the single family vs. the duplex lots or the increased lot sizes.

Item 3 - Public Works has no objection to the proposed waiver of the construction of sidewalks on both sides of the private roadways of Saltgrass Road, Bushclover Road, Snowberry Road, and Windflower Road and Court.

Item 4 - Public Works has no comments regarding the adjusted boundaries of the C.U.P.

Item 5 - The requested waiver of the front yard set backs must allow a minimum of 22' from the sidewalk as shown on the typical of the "Single Family Attached Detail" by insetting the garage faces. However, this detail does not allow the required 15' easement for underground utilities. Typically, the sanitary sewer and water mains are 3' 6" behind the curb line. Therefore, Public Works requires a minimum of 18' 6" from the back of curb to the proposed face of the houses.

Item 6 - The minimum distance between lots and roadways must exceed 18' 6" as described above. The alley connections to the public roadways need to be built to "Commercial Driveway" standards at 16' wide and 20' Radii. Curb Cut Permits will be required at all connections to public streets, and flared returns will not be permitted.



INTER-DEPARTMENT COMMUNICATION

DATE March 6, 2001

TO Ray Hill, City Planning

FROM Sharon Theobald
(Ext. 7640)

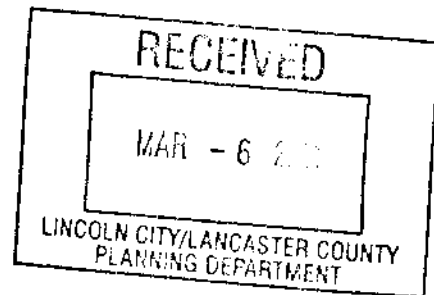
SUBJECT DEDICATED EASEMENTS
DN #68N-5W

Attached are the site plan, cover sheet, and note plan for Fallbrook - Amendment to the CUP.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements, except please include "blanket utility easement" in Outlot "DD".

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald



ST/nh
Attachment
c: Terry Wiebke
Easement File

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01023**

Address

Job Description: **FALLBROOK**

Location: **FALLBROOK**

Special Permit: **Y 1808A**

Preliminary Plat: **N**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **TBA**

Status of Review: **Approved**

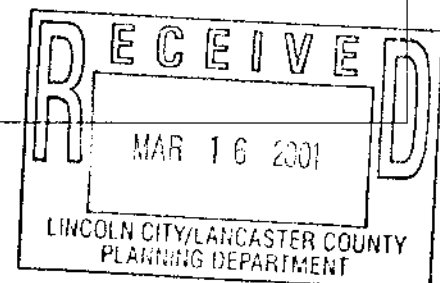
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

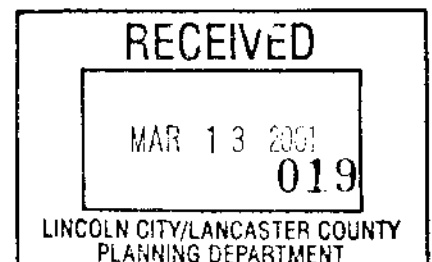


**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Ray Hill
DEPARTMENT: Planning
ATTENTION:
CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

DATE: 3/06/2001
FROM: Chris Schroeder
DEPARTMENT: Health
SUBJECT: Fallbrook CUP #1808A

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application to amend the CUP. At this time, the LLCHD has not identified any potential negative environmental health impacts from these proposed changes.



Memorandum

To: Becky Horner, Planning
From: Rachel Martin, Parks and Recreation
Date: March 22, 2001
Re: Fallbrook

Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) Evergreen trees for landscaping screen on N. 1st street need to be changed due to severe disease problems with Scotch and Ponderosa Pine. Recommend that Black Hills Spruce, Norway Spruce, Colorado Spruce, and Serbian Spruce be used instead and no more than 10% of the evergreen species used should be of any one specie.
- 2) Snowdrift Crab should be substituted with either 'Donald Wyman' or 'Professor Sprenger' Crab for better disease resistance.
- 3) Street trees on private streets should be located no closer than 5 feet from back of curb or 5 feet from edge of sidewalk.
- 4) Minimum distance from where street trees are planted to foundation of townhouses should be 20 feet.

Please phone me at 441-7936 with any questions.

